

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PATENT APPLICATION FEE DETERMINATION RECORD</b> Substitute for Form PTO-875						Application or Docket Number <b>09/300930</b>				
<b>CLAIMS AS FILED - PART I</b>										
(Column 1)		(Column 2)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY				
FOR	NUMBER FILED	NUMBER EXTRA		RATE	FEE	RATE	FEE			
BASIC FEE (37 CFR 1.16(a))				\$ _____		\$ _____				
TOTAL CLAIMS (37 CFR 1.16(c))				X \$ _____ =		X \$ _____ =				
INDEPENDENT CLAIMS (37 CFR 1.16(b))				X \$ _____ =		X \$ _____ =				
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))				+ \$ _____ =		+ \$ _____ =				
TOTAL				TOTAL		TOTAL				
* If the difference in column 1 is less than zero, enter "0" in column 2.										
<b>CLAIMS AS AMENDED - PART II</b>										
<b>AMENDMENT A</b>	(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE	ADDI- TIONAL FEE	RATE	ADDI- TIONAL FEE		
	Total (37 CFR 1.16(c))	Minus	=		X \$ _____ =		X \$ _____ =			
	Independent (37 CFR 1.16(b))	Minus	=		X \$ _____ =		X \$ _____ =			
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				+ \$ _____ =		+ \$ _____ =			
TOTAL ADD'L FEE				TOTAL ADD'L FEE		TOTAL ADD'L FEE				
<b>AMENDMENT B</b>	(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE	ADDI- TIONAL FEE	RATE	ADDI- TIONAL FEE		
	Total (37 CFR 1.16(c))	Minus	=		X \$ _____ =		X \$ _____ =			
	Independent (37 CFR 1.16(b))	Minus	=		X \$ _____ =		X \$ _____ =			
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				+ \$ _____ =		+ \$ _____ =			
TOTAL ADD'L FEE				TOTAL ADD'L FEE		TOTAL ADD'L FEE				
<b>AMENDMENT C</b>	(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE	ADDI- TIONAL FEE	RATE	ADDI- TIONAL FEE		
	Total (37 CFR 1.16(c))	Minus	=		X \$ _____ =		X \$ _____ =			
	Independent (37 CFR 1.16(b))	Minus	=		X \$ _____ =		X \$ _____ =			
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				+ \$ _____ =		+ \$ _____ =			
TOTAL ADD'L FEE				TOTAL ADD'L FEE		TOTAL ADD'L FEE				

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".  
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:  
JEFFREY T. PACHL ET AL.

ATTORNEY DOCKET:  
OB003JP-3

SERIAL NO: 09/300,930  
CONFIRMATION NO.: 5002

EXAMINER: FOELAK, M.

FILED: April 28, 1999

ART UNIT: 1711

TITLE: "NOVEL FOAMING  
COMPOSITIONS AND METHODS  
FOR MAKING AND USING THE  
COMPOSITIONS"

MOBERLY, MISSOURI  
Date: February 23, 2005

BEST AVAILABLE COPY

AMENDMENT AND REQUEST FOR RECONSIDERATION

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

In response to the Office Action mailed on December 01, 2004,  
please find the following Listing Of Claims and Remarks.

- 2) the curing agent is heat activated and reacts with epoxy only when heated to a defined temperature and a defined melt viscosity is achieved (refer to Pages 8 and 11 of Kagoshima's Amendment dated June 28, 1993 a copy of the file history is attached),
- 3) a surfactant is required,
- 4) a liquid epoxy (Page 3 of Kagoshima's January 25, 1993 Amendment), and;
- 5) a chemical blowing/foaming agent having a specific decomposition temperature.

Wycech (U.S.P.N. 4,923,902) discloses an epoxy foam formed by a delayed/retarded exothermic reaction which:

- 1) a two-phase system is used,
- 2) each side of the two-phase system contains a filler to form a "dough",
- 3) no heat is applied,
- 4) a chemical blowing agent is used, and;
- 5) no liquids are mixed (Pages 4 and 5 of Wycech's July 20, 1999 Amendment a copy of the file history is attached).

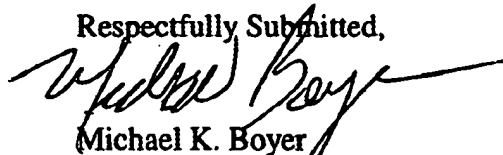
Applicants respectfully submit that a combination of Carey, Kagoshima and Wycech are inconsistent and teach away from each other on virtually every important aspect of their respective inventions. These references teach away on whether a single or two phase system is used. These references teach away on whether the system is heat cured (i.e., whether external heat is applied). These references teach away on whether a chemical blowing is employed. These references teach away on whether a surfactant is desirable. Applicants respectfully submit that a skilled person in this art, when considering these references as a whole and not as selected portions therefrom, would lack the requisite motivation to combine these references. Accordingly, Applicants respectfully submit that these references are not properly combined and a prima facie case of obviousness cannot be established.

The instant application claims benefit under 35 U.S.C. 120 of prior filed parent U.S. Patent Application Serial Nos. 09/081,967 and 09/197,124. Applicants respectfully request consideration of these applications as well as the information cited on the Information Disclosure Statements filed therein.

Should there be any fee due in connection with this Application, please charge the same to Deposit Account No. 15-0680 (Orscheln Management Company). Should the Examiner deem that any further action on the part of

Applicant would advance prosecution, the Examiner is invited to telephone Applicants' attorney.

Respectfully Submitted,



Michael K. Boyer  
Attorney for Applicants  
USPTO Reg. No. 33,085  
tel: 660 269-4536  
fax: 660 269-4530  
email: mboyer@orscheln.com

Attachments: Certificate of First Class Mailing Dated: February 23, 2005  
File History Kagoshima (USPN '006)  
File History Wychech (USPN '902)